

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. 2006-0210, Appeal of Aman Ullah, the court on January 22, 2007, issued the following order:

The employee, Aman Ullah, appeals an order of the New Hampshire Compensation Appeals Board (board). He argues that the board erred in: (1) finding that he had failed to show a change in conditions entitling him to benefits at the diminished earning capacity rate; (2) concluding that he was not entitled to benefits at the diminished earning capacity rate because he has a sedentary work capacity; and (3) denying him benefits “simply because he had not returned to work.” We affirm.

We will not reverse the board’s decision unless the party appealing demonstrates either that the board erred as a matter of law, or that the board’s decision, by a clear preponderance of the evidence, is unjust or unreasonable. See RSA 541:13 (1997); Appeal of Hypertherm, 152 N.H. 21, 23 (2005). Having reviewed the board’s order and the record before us, we find no error and affirm. See Appeal of McKay, 143 N.H. 722, 732-33 (1999) (burden of proof of showing change in condition generally upon party asserting change). We deny the employer/carrier’s request for attorney’s fees.

Affirmed.

DUGGAN, GALWAY and HICKS, JJ., concurred.

**Eileen Fox,
Clerk**

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